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September 21, 2018

Honorable Judge Brenda K. Sannes
Federal Building and U.S. Courthouse
P.O. Box 7345
Syracuse, 13261-7345
Via ECF

Re: Elijah Johnson v. City of Syracuse et. al. 16-CV-0622

Your Honor:

I represent the plaintiff in the above-entitled civil rights matter. I write in response to the defendants' letter dated September 21, 2108 and opposing their application.

Defendants do not inform as to who the missing witness is. If in fact this is someone who was previously deposed, there should be no problem with the defendants merely seeking to enter the witness' deposition testimony. As the defendants' application is devoid of this crucial information, plaintiff urges the court to reject their application.

The incident giving rise to this matter occurred in July of 2014. This last minute application deeply prejudices the plaintiff as our numerous witnesses have been making themselves ready to appear and both the witnesses and I have been clearing our schedules to appear on the scheduled dates.

With the minimal information provided by the defendants, there is not enough to indicate they will suffer any prejudice by the trial proceeding as scheduled.

Respectfully submitted,



Fred Lichtmacher

cc: Christina F. DeJoseph, Esq.
Assistant Corporation Counsel
via ECF